IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 1166 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 07/07/2004 in WPMP No.11825 of 2004 WP NO : 9203 OF 2004 on the file of the High Court.)

Between:

1.K.Venkata Swamy,

S/o Sri K.Venkata Subba Rao,
R/o Quarter No.C.1/5, RCI.

Vignyana Kancha, Hyderabad
2.Chintala Rajendra Reddy,

S/o Sri Chintgala Raghava Reddy,
R/o H.No.17-1-388/51,

Lakshminagar Colony,

Saidabad, Hyderabad
3.A.Chandra Sekhar,

S/o Late Sri A.Laxmaiah, R/o H.No.6-59,

Anuragnar, Bsalapur X Road, Meerpet,

Sarrornagar, Ranga Reddy District
4.M.Yadaiah, S/o M.Chandraiah,
r/o Yacharam Village & mandal,

Ranga Reddy District **..... APPELLANTS**

AND

1.Union of India, rep.by its Secretary,

Ministry of Defence, Government of India,

New Delhi
2.Defence Research and

Development Organisation,

rep.by its Director,

Kanchsanbagh, Hyderabad
3.Semi Conductor Complex Limited GAETEC,

A government of India Enterprise,
Gate No.2, Tech. Building, R.C.I.

Vignyana Kancha, Hyderabad

rep.by its Executive Director,
Sri Dr.P.A.Govindacharyulu
4.Society for Integrated Circuit Technology,

and Applied Research (SITAR),
C-7, Wutab Institutional Area,

Behind Qutub Hotel, New Delhi

(P.T.O.)

5.Sri U.V.Unnikrishnan,

Deputy Manager,

Human Resources Department,
Semi Conductor Complex Limited,

GAETEC, A Government of India Enterprise,
Gate No.2, Tech. Building, R.C.I.

Vignyana Kancha, Hyderabad **.....RESPONDENTS**

Appellants pray that this Hon'ble Court may be pleased to set aside the order passed by the learned single judge on 07-07-2004 dismissing the W.P.M.P.No.11825 of 2004 in W.P.9203 of 2004 and instead allow the W.P.M.P.No.11825 of 2004 so as to enable the petitioner/appellants to be continued in service pending disposal of the W.P.No.9203 of 2004 and pass such other order or further orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Appellant: MR.NUTY RAMA MOHANA RAO

Counsel for the Respondent Nos.1 & 2: MR.A.RAJASHEKAR REDDY (SC FOR CG)

Counsel for the Respondent Nos.3 & 5: Miss G.Sudha

Counsel for the Respondent No.4: Sri V.Madhusudhan Rao

The Court made the following :

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JUDGMENT: (PER BN, J)

Heard learned Counsel for the parties.

This Appeal is filed against an order passed by the learned single judge refusing to grant a direction to respondents to continue the petitioners in service pending adjudication of the writ petition.

Prima-facie appellants had been engaged on contractual basis and have been terminated as a consequence of determination of the contract. As rightly pointed out by the learned single judge, whether the contractual appointment was in fact a regular appointment, would be a question which will have to be gone into the writ petition. Therefore, we do not find any reason to interfere with the discretion exercised by the learned single judge. The appeal is without merit and deserves to be dismissed.

Hence, the Writ Appeal is dismissed. Since the matter relates to the employment of persons who have been engaged by respondents for a fairly longer period of time, therefore, the matter needs to be heard on a priority basis. Pleadings are already complete. Let the writ petition be posted on 16-09-2004 before appropriate single bench for final disposal of the matter. No costs.

---------- (Bilal Nazki, J)

30TH August, 2004

(S.Ananda Reddy, J)

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Copy to:

1.The Secretary, Union of India,

Ministry of Defence, Government of India,

New Delhi
2.The Director, Defence Research and

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3. Sri Dr.P.A.Govindacharyulu
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